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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/044,348

Applicant(s)

DUREAU, VINCENT

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/07 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 3, 4, 5, 13, 20, 28, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaars.

Referring to claim 1, Kaars discloses a client for use in a television system, wherein the client is located in a television viewer home (figure 1) and comprises:

- a receiver configured to receive a programming signal (figure 1);

- an interface configured to communicate with a secondary device external to the client (figure 1, parts 104 and 150); and

- a transcode subsystem coupled to the receiver and the interface (paragraph 21), wherein the transcode subsystem is configured to:

  - detect a communication from the secondary device (paragraph 29);

  - determine a target data format corresponding to the secondary device (paragraph 28);

  - convey a request to an external entity for a transcode subunit corresponding to said target data format, in response to determining the transcode subsystem is not configured to support said target data format (paragraphs 28 and 35);

  - automatically retrieve the transcode subunit from an external entity, responsive to the request (paragraph 35);

  - receive data targeted to the secondary device, wherein the received data comprises a first data format (figure 2A; part 200);

  - determine whether the first data format is compatible with the secondary device (paragraph 28);

  - identify the transcode subunit as corresponding to both the first data format and the target data format, in response to determining the first data format is not compatible with the secondary device (paragraph 28); and

initiate transcoding of the received data from the first data format to the target data format using the transcode subunit (figure 2B; parts 214 and 216).

Claims 13 and 20 are rejected on the same grounds as claim 1.

Referring to claim 2, Kaars discloses a client of claim 1, wherein the transcode subsystem includes a config table configured to associate the secondary device with the target data format (figure 2A, parts 208).

Referring to claim 3, Kaars discloses a client of claim 1, wherein the transcode subsystem comprises a control unit configured to access the config table to determine the target data format, and wherein the transcode subsystem is further configured to register the secondary device in response to determining the transcode subsystem is configured to support said target data format (paragraph 28).

Referring to claim 4, Kaars discloses a client of claim 1, wherein the transcode subsystem comprises a transcode subunit configured to perform the transcoding (paragraph 28; Note: as the transcoding is performed by software stored in memory, the examiner is interpreting each piece of transcoding software as a transcode subunit).

Referring to claim 5, Kaars discloses a client of claim 4, wherein the transcode subsystem further comprises a second transcode subunit configured to transcode data to a second data format (paragraph 28).

Referring to claim 28, Kaars discloses a client as recited in claim 1, wherein the transcode subsystem is configured to store a plurality of transcode subunits, each of which transcodes data from one format to a different format (paragraph 28).

Referring to claim 29, Kaars discloses a client as recited in claim 1, wherein said secondary device is selected from the group consisting of: a television, personal digital assistant, video monitor, video camera, electronic tablet, audio speakers, audio receiver, cell phone, game console, web based server, and a remote control (paragraph 25)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, 7, 14, 15, 16, 21, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of Krapf.

Referring to claim 6, Kaars does not disclose a client of claim 2, wherein the transcode subsystem is configured to: detect an additional secondary device; and register the additional secondary device.

In an analogous art, Krapf teaches a client of claim 2, wherein the transcode subsystem is configured to: detect an additional secondary device; and register the additional secondary device.

At the time of the invention it would have been obvious for one of ordinary skill in the art to register the device as taught by Krapf in the system disclosed by Kaars. The motivation would have been to enable the STB to determine what content is stored on the device (Krapf: column 6, lines 61-67).

Claims 15 and 22 are rejected on the same grounds as claim 6.

Referring to claim 7, Kaars discloses a client of claim 6, wherein registering the additional secondary device comprises storing an entry corresponding to the secondary device in the config table, wherein the entry indicates the corresponding target data format (paragraphs 28 and 35).

Claims 16 and 23 are rejected on the same grounds as claim 7.

Claims 14, 21, and 25 are rejected on the same grounds as claims 6 and 7.

3. Claims 8, 17, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of Plourde.

Referring to claim 8, Kaars does not disclose a client as recited in claim 1, wherein the transcode subsystem is configured to:

discard the second received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available.

In an analogous art, Plourde teaches a client as recited in claim 1, wherein the transcode subsystem is configured to:

discard the second received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available (page 14, paragraph 107, lines 22-24).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method of determining that no transcode subunit is available, as taught by Plourde, to the system disclosed by Kaars. The motivation would have been to stop large bit-rate files from being downloaded and using up the storage space (Plourde: page 14, paragraph 107, lines 24-27).

Claims 17, 24, and 26 are rejected on the same grounds as claim 8.

4. Claims 9, 10, 18, 19, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of Chatani.

Referring to claim 9, Kaars does not disclose a client of claim 1, wherein the transcode subunit is further configured to display an indication to a viewer as to where the transcode subunit may be obtained, in response to determining said transcode subunit is not automatically retrievable.



In an analogous art, Chatani teaches a client of claim 1, wherein the transcode subunit is further configured to display an indication to a viewer as to where the transcode subunit may be obtained, in response to determining said transcode subunit is not automatically retrievable (page 7, column 2, lines 14-17).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the website software purchasing taught by Chatani to the system disclosed by Kaars. The motivation would have been to make it simple for users to upgrade their STB with software developed by users (Kaars: paragraph 35).

Claim 18 is rejected on the same grounds as claim 9.

Referring to claim 10, Kaars does not disclose a client of claim 9, wherein said indication comprises a message selected from the group consisting of: a location where the requested subunit may be purchased; and a link to a website where the requested subunit may be obtained.

In an analogous art, Chatani teaches a client of claim 9, wherein said indication comprises a message selected from the group consisting of: a location where the requested subunit may be purchased; and a link to a website where the requested subunit may be obtained (page 7, column 2, lines 14-17).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the website software purchasing taught by Chatani to the system disclosed by Kaars. The motivation would have been to make it simple for users to upgrade their STB with software developed by users (Kaars: paragraph 35).

Claim 19 is rejected on the same grounds as claim 10.

Claim 27 is rejected on the same grounds as claims 9 and 10.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of Moroney.

Referring to claim 12, Kaars does not disclose a client of claim 1, wherein the client is further configured to: receive a first request from the secondary device for remote data; and generate a second request corresponding to said first request, wherein said second request does not include an indication of a data format required by said secondary device.

In an analogous art, Moroney teaches a client of claim 1, wherein the client is further configured to: receive a first request from the secondary device for remote data; and generate a second request corresponding to said first request, wherein said second request does not include an indication of a data format required by said secondary device (column 8, lines 19-22).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user inputted transcoding settings taught by Moroney to the system disclosed by Kaars. The motivation would have been to allow the user to store a lower resolution copy when available storage space was running low, therefore preserving the remaining space.

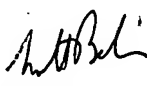
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER